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General Assembly
Sixty-third session

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Fifth Committee

Summary record of the 31st meeting
Held at Headquarters, New York, on Monday, 9 March 2009, at 10 a.m.

Chairman: Mr. Bródi ..... (Hungary)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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09-25866 (E)

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The meeting was called to order at 10.15 a.m.

Agenda item 118: Programme budget for the biennium 2008-2009 (*continued*)

Standards of accommodation for air travel (A/63/524 and A/63/715)

1. **Ms. Hurtz-Soyka** (Director, Office of the Under-Secretary-General for Management), introducing the report of the Secretary-General on standards of accommodation for air travel (A/63/524), said that it had been prepared in accordance with resolution 42/214 and decisions 44/442, 46/450 and 57/589 of the General Assembly and provided detailed information on the exceptions authorized by the Secretary-General to the standards of accommodation normally applicable under the regulations and rules of the Organization. Tables in the report provided a comparison of the number of trips made in first and business classes for the periods 1 July 2004-30 June 2006 and 1 July 2006-30 June 2008, for both the United Nations and other United Nations entities.

2. Overall, there had been a slight increase in the total number of exceptions granted in the two-year period ended 30 June 2008 as compared to the previous periods, mainly owing to exceptions made for eminent persons, persons donating services free of charge and travel by security officers. Fewer exceptions had been made for medical conditions, lack of availability of normal standards of accommodation for travel, arduous journeys and the travel of the President of the General Assembly. The Secretariat would continue to monitor the granting of exceptions closely.

3. **Ms. McClurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/63/715), said that, while the Advisory Committee recommended that the General Assembly should take note of the Secretary-General's report it found the purely statistical presentation to be of limited use. It therefore recommended that future reports should contain an analysis of the reasons for the increases and/or decreases in the number of exceptions, taking into account such issues as industry trends and security requirements.

4. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that the Group believed that the Secretary-General should exercise his discretionary authority in granting exceptions to the normal standards of accommodation for air travel and supported the Advisory Committee's view that, given the increase in the number of exceptions for the period under review, all requests should be carefully scrutinized. The Secretary-General should establish clear criteria for granting exceptions, particularly for upgrading security officers to first class.

5. The Group looked forward to a comprehensive report from the Secretary-General, in line with the recommendation made by the Advisory Committee in its earlier report on the review of standards of travel and entitlements in the United Nations system (A/62/351). The report should take into account the recommendations of the Office of Internal Oversight Services audit review of all categories of exception, awaited by April 2009.

Financing of the United Nations Institute for Training and Research (A/63/592 and A/63/744)

6. **Mr. Boyer** (Manager, Multilateral Diplomacy Programme of the United Nations Institute for Training and Research), introducing the report of the Secretary-General on the financing of the core diplomatic training activities of the United Nations Institute for Training and Research (UNITAR) (A/63/592), recalled that the report had been submitted in response to the request made by the Economic and Social Council in its resolution 2008/35. As the principal training body of the United Nations, the Institute trained over 80,000 individuals per year. It had expanded its programmes and doubled its income in the previous five years. The Institute's estimated funding for the current biennium, forecast to exceed the actual expenditure for the previous period by 28 per cent, would come mainly from earmarked contributions. The Institute's financial situation was positive, except in the case of core diplomatic training.

7. Core diplomatic training, a distinctive function of the Institute, covered international cooperation and multilateral diplomacy and was aimed at Member State civil servants whose work related to the United Nations. In 2006-2007, individuals from 186 Member States had benefited from such training. However, the progressive decline in non-earmarked contributions over the previous two decades had left core diplomatic training chronically underfunded. Furthermore, although Member States continued to request the training offered by the Institute, they chose to direct

financial contributions at their own national training efforts for diplomatic personnel.

8. While core diplomatic training was recognized as valuable, was universally available and would be difficult to replace, the Institute was no longer in a position to cover the existing deficit associated with the programme. Despite devoting a large share of non-earmarked contributions to it, and despite endeavouring to raise additional funds for it from the private and philanthropic sectors, the Institute faced a funding shortfall of $1,200,000 for core diplomatic training.

9. As most permanent missions lacked dedicated funds to improve the capacity of diplomats to perform their multilateral duties, a reduction or elimination of the Institute's core diplomatic training facilities risked affecting Member State representatives, particularly those of developing and least developed countries. It would also run counter to the wishes regarding the Institute's training expressed by the General Assembly in its resolution 62/210 and by the Economic and Social Council in its resolution 2008/35. Accordingly, the General Assembly might wish to consider providing the Institute with an annual subvention of $600,000 in the context of the proposed programme budget for the biennium 2010-2011, so that the current level of core diplomatic training activities could be maintained.

10. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/63/744), said that the Advisory Committee commended the Institute for its progress in implementing reform and recognized the importance of core diplomatic training. However, believing that the Institute should only undertake activities once funding had been assured, the Advisory Committee recommended prioritization of the activities of the core diplomatic training programme, with a view to aligning them with available resources and utilizing those resources as effectively as possible.

11. On the understanding that the Institute would undertake such prioritization and intensify its fund-raising efforts, the Advisory Committee recommended approval of an annual subvention for the biennium 2010-2011 on an exceptional basis. It also recommended that the Institute should explore cost-sharing arrangements for the training services that it provided to other United Nations entities.

12. The Advisory Committee, bearing in mind that the General Assembly had affirmed the voluntary nature of the funding for the Institute on several occasions and taking into account its own recommendations and observations, recommended against approval of the proposed amendment of paragraph 2 of article VIII of the statute of the Institute to include a subvention from the regular budget of the United Nations.

13. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that the Group attached importance to the issue of financing the Institute, recognizing its indispensable role in promoting international cooperation and multilateral diplomacy through the provision of core diplomatic training. Despite increased demand, that training programme had suffered chronic underfunding because of a decline in voluntary non-earmarked contributions. The Group was concerned that a lack of reliable and sustainable resources could halt the programme and called for every effort to be made to avert that possibility. The Secretary-General's report (A/63/592) provided some useful proposals to address the Institute's funding needs.

14. The Group recalled that the Economic and Social Council, in its resolution 2008/35, had urged that training and capacity development activities should be accorded a more visible and larger role in support of the management of international affairs and that the General Assembly, in its resolution 62/210, had reaffirmed the relevance of the Institute, in view of the growing importance of training and capacity development within the United Nations. Indeed, 97 per cent of the Member States had benefited from the Institute's core diplomatic training in recent years. In response to those resolutions, the Secretary-General had requested an annual subvention of $600,000 in the context of the programme budget for the biennium 2010-2011. The Group considered that the proposal could provide a basis for addressing the shortfall in funding for core diplomatic training and wished to find a sustainable solution to the Institute's funding needs.

15. **Ms. Norman** (United States of America) said that her delegation appreciated the Institute's role in training diplomats and offering instructional courses. However, it strongly opposed granting subventions to

bodies that the General Assembly had decided should be funded through voluntary contributions. She hoped that further efforts could be made to increase such contributions to the Institute and looked forward to continuing discussions on the matter.

16. **Mr. Yamada** (Japan) said that his delegation appreciated the Institute's efforts to meet the rising demand for core diplomatic training courses and hoped that it would continue to fulfil its mandate with due regard to the provisions of its statute. However, his delegation was deeply concerned at, and strongly opposed, the Secretary-General's recommendation to provide the Institute with an annual subvention of $600,000 in the context of the proposed programme budget for the biennium 2010-2011 and to amend paragraph 2 of article VIII of the statute of the Institute to include a subvention from the regular budget of the Organization. The rules governing the financing of the Institute were explicit and had been followed and supported by both the Institute and the Member States.

17. The Secretary-General's proposals were incompatible with the principle, affirmed in the statute of the Institute, that its expenses should be met from voluntary contributions. Furthermore, approving a subvention for the next biennium at the present time presupposed approval of resources from the proposed regular budget for the biennium 2010-2011, which was still the subject of consultation. Expenditure for the next biennium, regardless of the amount, should be considered in a comprehensive manner at the main part of the sixty-fourth session of the General Assembly. Lastly, the management of the Institute's resources should be carefully scrutinized. The Secretary-General's report raised many questions concerning the Institute's formulation of a programme of work and budget for the biennium 2008-2009.

Agenda item 117: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Report of the Independent Audit Advisory Committee on vacant posts in the Office of Internal Oversight Services (A/63/737)

18. **The Chairman** drew attention to the report of the Independent Audit Advisory Committee on vacant posts in the Office of Internal Oversight Services (OIOS) (A/63/737).

19. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that it would be more appropriate for the Committee to discuss the issue of vacant posts within OIOS at the second part of the resumed sixty-third session of the General Assembly, in the broader context of its consideration of the management of OIOS, in order to make an informed decision with the benefit of an overview of the situation, and in order to avoid a piecemeal approach. The Group believed that the Secretary-General should comply with General Assembly resolution 63/265, which requested him to make every effort to fill the vacancies concerned as a matter of priority, and that the recruitment process must be fair, transparent and in compliance with the relevant provisions of the applicable United Nations rules.

20. **Ms. Krahulcová** (Czech Republic), speaking on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Albania, and, in addition, the Republic of Moldova and Ukraine, expressed support for the decision to consider the matter of vacancies in OIOS at the first part of the resumed sixty-third session and welcomed the readiness of the Independent Audit Advisory Committee to take action in accordance with the terms of reference established for it by the General Assembly in resolution 61/275.

21. The European Union recalled the General Assembly's request to the Secretary-General, made in its resolution 63/265, to make every effort to fill the vacancies concerned as a matter of priority. High vacancy rates and insufficient staff could adversely affect the ability of OIOS to fulfil its functions and adhere to its programme of work. As the Independent Audit Advisory Committee had indicated, immediate action was needed to fill vacancies in the OIOS Investigations Division, given the transfer to it of 175 cases from the former Procurement Task Force. Care should be taken to ensure that all vacancies were filled in a streamlined and expedited manner, taking into account the assessment of the Independent Audit Advisory Committee, Article 101 of the Charter of the United Nations and the relevant resolutions of the General Assembly.

22. **Mr. Plunkett** (Canada), speaking also on behalf of Australia and New Zealand, said that, as the Organization needed effective, efficient and operationally independent oversight, the role of OIOS

in its governance was important, and gave the Member States confidence that resources were being used appropriately. The three delegations were concerned that over 27 per cent of the posts authorized for OIOS remained vacant, and agreed with the Independent Audit Advisory Committee that the situation could expose the Organization to greater risk by affecting the ability of OIOS to implement its programme of work. They urged the Secretary-General and the Under-Secretary-General for Internal Oversight Services to fill the posts concerned, particularly those at Director level, expeditiously.

23. **Mr. Gürber** (Switzerland), speaking also on behalf of Liechtenstein, expressed great concern at the adverse effect of unfilled vacancies on the capacity of OIOS to fulfil its mandate. The posts concerned must be filled expeditiously. Recalling that the Independent Audit Advisory Committee had referred in its report to a disagreement between management and OIOS regarding appropriate recruitment and selection methods for Director-level posts, he said that the operational independence of OIOS, as established by the General Assembly in its resolution 48/218 B, was vital. In that connection, he also recalled that the report referred to the Secretary-General's delegation of authority to the Under-Secretary-General for Internal Oversight Services for certain appointments, as described in administrative instruction ST/AI/401.

24. By submitting the report in question for the consideration of the Committee, the Independent Audit Advisory Committee was responsibly discharging the functions conferred on it by the General Assembly in its resolution 61/275. The Member States should also act responsibly to ensure that OIOS could fulfil its oversight function effectively and efficiently. Accordingly, the Committee should not delay informal consultations regarding the matter.

25. **Mr. Rashkow** (United States of America) said that the Committee should address the serious and important issues raised in the report of the Independent Audit Advisory Committee. The vacancies should be filled without delay, while ensuring respect for the operational independence of the oversight bodies when dealing with personnel matters.

26. **Mr. Sugiura** (Japan) recalled that the General Assembly, in its resolution 63/265, had previously expressed concern over the number of vacancies in the Investigations Division of OIOS and called for them to be filled as a matter of priority. The worrying vacancy situation which was the focus of the report of the Independent Audit Advisory Committee should be addressed rapidly and within the bounds of the current regulations, rules, procedures and practices, in order to ensure that the activities of OIOS could be undertaken effectively and efficiently.

27. **Mr. Loy** Hui Chieh (Singapore) said that the long-standing problem of vacant posts in OIOS was troubling and would damage the ability of that body to carry out its work. That situation, already referred to by the General Assembly in its resolution 63/265, had not improved, and did not reflect well on the management of OIOS. In order to comply with the resolution in question, posts should not be kept vacant by a deliberate decision of management.

28. Having learned almost simultaneously of the dispute surrounding the selection and recruitment of the director of the OIOS Investigations Division and of the release on the Internet of some 600 internal OIOS reports, some labelled "strictly confidential", his delegation expressed its disquiet, requested clarification of the situation and urged the Secretariat to take action. As OIOS played an important part in ensuring accountability and transparency in the Organization, the effect of its problems should not be allowed to spread.

29. **Mr. Lim** Ki-keun (Republic of Korea) said that OIOS played a crucial role in ensuring the effective and efficient operation of the Organization and recalled that its operational independence had been affirmed by the General Assembly in its resolution 48/218 B. He regretted the problems described by the Independent Audit Advisory Committee in its report. It was unfortunate that the disagreement between the administration and OIOS over the manner of appointments had not been resolved internally. He hoped that the problem of unfilled vacancies would be rapidly resolved.

The meeting rose at 11 a.m.

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General Assembly
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Fifth Committee

Summary record of the 32nd meeting
Held at Headquarters, New York, on Thursday, 12 March 2009, at 10 a.m.

Chairman: Mr. Fermin (Vice-Chairman) (Dominican Republic)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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Agenda item 118: Programme budget for the biennium 2008-2009 (continued)

Conditions of service and compensation for officials other than Secretariat officials, serving the General Assembly: full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee on Administrative and Budgetary Questions

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09-26347 (E)

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In the absence of Mr. Bródi (Hungary), Mr. Fermín (Dominican Republic), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 118: Programme budget for the biennium 2008-2009 (*continued*)

Conditions of service and compensation for officials, other than Secretariat officials, serving the General Assembly: full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee on Administrative and Budgetary Questions (A/63/354 and A/63/726)

1. **Ms. Bezák-Metzler** (Chief, Conditions of Service Section, Office of Human Resources Management), introducing the report of the Secretary-General (A/63/354), said that part II of the report provided an overview of the evolution of the annual net compensation of the Chairman and Vice-Chairman of the International Civil Service Commission (ICSC) and the Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) from the time of the previous comprehensive review in 2003 through to 2008. The annual net compensation of the three officials was adjusted in January of each year by 90 per cent of the movement in the consumer price index for New York. Based on that procedure, at the time of writing of the report, it had been anticipated that the annual net compensation of the three officials would be increased by 4 per cent beginning on 1 January 2009. The actual increase, however, had been 2 per cent.

2. No changes were proposed in the level of the special allowance payable to the Chairman of ICSC and the Chairman of ACABQ in recognition of their added responsibilities. That allowance had last been revised in 2000 and established at $10,000 per annum with effect from 1 January 2001, pursuant to General Assembly resolution 55/238. Neither were any changes recommended with regard to the other conditions of service of the three officials concerned.

3. In its resolution 46/192, the General Assembly had decided that officials appointed or elected to ungraded positions who became participants in the United Nations Joint Staff Pension Fund should have their pensionable remuneration adjusted, between comprehensive reviews, in accordance with the procedure applicable for adjustment of the scale of pensionable remuneration of staff in the Professional and higher categories, as set out in article 54 (b) of the Regulations of the Fund. Since then, the pensionable remuneration of the three officials concerned had been adjusted at the same time and by the same percentage as their annual compensation. Accordingly, a 2 per cent increase had been applied as of 1 January 2009.

4. On the basis of the information provided in the report, it had been estimated that there would be additional requirements of $33,194 for the programme budget for the biennium 2008-2009. However, since the annual compensation and pensionable remuneration of the three officials concerned had in fact been adjusted by only 2 per cent as of 1 January 2009, the additional requirements would be half the previously estimated figure.

5. In accordance with the provisions of General Assembly resolution 58/266, the next comprehensive review should be undertaken when the level of the annual compensation of the Chairman of ICSC and the Chairman of ACABQ fell below that of Assistant Secretaries-General.

6. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/63/726), said that the Advisory Committee concurred with the proposed adjustment in the level of the annual compensation of the Chairman and Vice-Chairman of ICSC and the Chairman of ACABQ. It recommended that the General Assembly should take note of the Secretary-General's report (A/63/354).

7. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that the report of the Secretary-General provided useful information about the adjustments that had been made to the annual net compensation of the officials concerned between 2004 and 2008, on the basis of movements in the consumer price index. The Secretary-General had indicated that the total annual net compensation of the Chairman of ICSC and the Chairman of ACABQ might drop slightly below that of Assistant Secretaries-General in January 2009 and he was proposing to apply an increase, which would mean additional funds would be required and requested from the Assembly at its sixty-fourth session. Taking into account the time that

had elapsed since the publication of the report, the Group requested an update on the situation.

8. The Group requested further information on the remuneration of the Vice-Chairman of the Advisory Committee.

9. **Ms. Hefu** (Namibia), speaking on behalf of the Group of African States, said that the Group supported ongoing United Nations efforts to ensure that the benefits and entitlements of staff and other officials serving the General Assembly kept pace with economic realities. The issue warranted continuous review, pursuant to General Assembly resolutions 45/249, 46/192 and 55/238 and previous relevant resolutions.

10. ICSC and ACABQ must be adequately equipped to perform their functions, particularly in view of the Assembly's expanded agenda, which covered issues affecting common system organizations, specialized agencies and operational funds and programmes. The African Group appreciated the important expert and advisory roles played by the two bodies in enabling the Assembly to take well-informed and timely policy decisions, based on their technical analysis of the issues within their respective mandates. The technical report before the Committee provided a good basis for Member States to reflect on the broader issues affecting the conditions of service of members of those subsidiary organs of the General Assembly. The African Group noted that, despite the exponential growth in the number of issues requiring comprehensive examination, the model on which ACABQ, in particular, had been established 60 years previously had not changed.

11. Lastly, the Group noted that since 1994 the Advisory Committee had had a Vice-Chairman, whose important role had not been fully recognized. The Group would be seeking specific information, in informal consultations, on that and other broader issues raised in the two reports before the Committee.

The meeting rose at 10.25 a.m.

United Nations A/C.5/63/SR.33

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Fifth Committee

Summary record of the 33rd meeting
Held at Headquarters, New York, on Friday, 13 March 2009, at 10 a.m.

Chairman: Mr. Råsbrant (Vice-Chairman) ..... (Sweden)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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Agenda item 123: Human resources management (*continued*)

Amendments to the Staff Regulations

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09-26532 (E)

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In the absence of Mr. Bródi (Hungary), Mr. Råsbrant (Sweden), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 123: Human resources management (*continued*)

Amendments to the Staff Regulations (A/63/694 and A/63/754)

1. **Ms. Pollard** (Assistant Secretary-General for Human Resources Management) introduced the report of the Secretary-General (A/63/694) containing the amendments to the Staff Regulations that would be required to implement the new contractual framework on 1 July 2009, as requested in section II, paragraph 12, of General Assembly resolution 63/250 on human resources management. The amendments had been the subject of a legal review conducted by the Office of Legal Affairs and had been prepared in consultation with the funds and programmes that were governed by the United Nations Staff Regulations and Rules, the departments and offices of the Secretariat and Staff Union representatives.

2. Annex I contained only those parts of the Staff Regulations that required modification, and showed deletions to the current text, the proposed new text, and the explanation for the proposed change. Annex II contained the full text of the amended Staff Regulations, which would enter into force on 1 July 2009, should the General Assembly approve the changes at the first part of the resumed sixty-third session.

3. The proposed amendments reflected the decisions of the General Assembly on the implementation of the three new types of appointments (temporary, fixed-term and continuing) under one new set of Staff Rules, as contained in its resolution 63/250, and on the discontinuation of the 100-, 200- and 300-series Staff Rules and the existing types of appointments; the decisions of the General Assembly on the implementation of the new internal system of justice, as contained in its resolution 63/253 on the administration of justice; and the proposed harmonization of the language of the Staff Regulations with the terminology currently in effect in the United Nations, to bring it into line with other official and internal documentation.

4. The proposed amendment to staff regulation 4.4 removed the reference to the current 100 series of the Staff Rules, which would be discontinued as of 1 July 2009, but did not change the purpose and content of the Regulation. The proposed amendment did not preclude Member States from later reviewing the content, which was in accordance with Article 101, paragraph 3, of the Charter.

5. The proposed amendments to staff regulation 4.5 addressed the specific request of the General Assembly contained in section II, paragraph 21, of its resolution 63/250 to reflect in the Rules and Regulations that there would be no expectations, legal or otherwise, of renewal or conversion of a fixed-term contract, irrespective of the length of service. In the interest of clarity, a similar provision had been included for temporary appointments.

6. A new paragraph had been added to staff regulation 9.3 to include termination, in the interest of the good administration of the Organization, of the continuing appointment of a staff member, without his or her consent. The introduction of the additional ground for termination was in line with the Secretary-General's proposal on continuing appointments contained in his report on the streamlining of contractual arrangements (A/63/298) as well as previous reports on contractual reform (A/62/274, A/61/857 and A/59/263/Add.1). The issue had been discussed at length at the fifty-ninth, sixty-first and sixty-second sessions, as well as at the current session, of the General Assembly. In section II, paragraph 22, of its resolution 63/250, the General Assembly had decided that, in the context of the Secretary-General's proposal, "in the interest of the good administration of the Organization" was to be interpreted principally as a change or termination of a mandate. That interpretation would be reflected in the relevant administrative issuances on the implementation of the amended Staff Regulations and new Staff Rules. The conditions under which continuing appointments might be implemented would, however, be subject to further consideration by the Assembly at its sixty-fourth session, pursuant to section II, paragraphs 3 and 4, of its resolution 63/250. Further amendments to staff regulation 9.3 might prove necessary, pursuant to subsequent General Assembly decisions.

7. The proposed amendment to staff regulation 11.1 aligned the language of the regulation with the statute of the United Nations Dispute Tribunal, as approved by

the General Assembly in its resolution 63/253, on the administration of justice.

8. No amendments had been proposed to article XII. The acquired rights of staff members holding probationary, permanent and indefinite appointments as at 30 June 2009 would be covered by staff regulation 12.1, which stated that the Staff Regulations might be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members. Since probationary, permanent and indefinite appointments would no longer be granted to staff members joining the Organization on or after 1 July 2009, reference to those types of appointment had been removed from the text of the proposed amended Staff Regulations.

9. With respect to letters of appointment, the proposed amendments responded to the General Assembly's request, in section II, paragraph 21, of its resolution 63/250, that letters of appointment should reflect that there would be no expectations, legal or otherwise, of renewal or conversion of a fixed-term contract, irrespective of the length of service. In the interest of clarity, a similar provision had been included for temporary appointments.

10. The Secretary-General would not grant any staff a continuing appointment until the General Assembly had approved the implementation of continuing appointments, in accordance with section II, paragraph 3, of its resolution 63/250. Accordingly, effective 1 July 2009, staff members whose fixed-term appointments expired would be granted a new fixed-term appointment under the new Staff Rules.

11. The Secretary-General would present additional information concerning the implementation of continuing contracts to the General Assembly at its sixty-fourth session, in accordance with section II, paragraph 4, of resolution 63/250. After the General Assembly had approved the implementation of continuing appointments, eligible staff members might be considered for conversion to a continuing appointment.

12. Pursuant to section II, paragraph 23, of resolution 63/250, pending implementation of the continuing contract regime, successful candidates from national competitive recruitment examinations and staff from language services recruited on or after 1 July 2009 would continue to be granted open-ended appointments according to the current practice. Those individuals would be awarded two-year fixed-term appointments to cover their two-year probationary service.

13. Should the General Assembly approve the amended Staff Regulations at the first part of its resumed sixty-third session, the Secretary-General would then prepare the new Staff Rules to implement the new contractual arrangements. Those rules would be promulgated provisionally on 1 July 2009, until the full text of the provisional Staff Rules had been submitted to the General Assembly for its review and approval, in accordance with staff regulations 12.2, 12.3 and 12.4.

14. The text of the provisional new Staff Rules would be submitted to the General Assembly for consideration at its sixty-fourth session. The General Assembly should take note of the provisional Staff Rules or, in accordance with staff regulation 12.3, request the Secretary-General to withdraw or modify a provisional rule and/or amendment if it found the text inconsistent with the intent and purpose of the Staff Regulations.

15. The provisional new Staff Rules would be revised to take into account any modifications or deletions adopted by the General Assembly at its sixty-fourth session and would enter into force effective 1 January 2010, pursuant to staff regulation 12.4.

16. The General Assembly was urged to take a decision regarding continuing appointments at its sixty-fourth session so that the continuing appointment regime could be implemented by 1 January 2010. It was also critical that the General Assembly should approve the amendments to the Staff Regulations at the first part of its resumed sixty-third session so that the new contractual framework could be implemented effective 1 July 2009.

17. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's related report (A/63/754), recalled that the proposed amendments to the Staff Regulations responded, in particular, to section II, paragraph 12, of General Assembly resolution 63/250, pursuant to which the Secretary-General was requested to submit to the Assembly for consideration at the first part of its resumed sixty-third session draft regulations by which the streamlined system of contracts could be implemented. The proposed amendments also reflected the decisions of the General Assembly on the

implementation of the new internal system of justice, as well as previous decisions of the Assembly on conditions of service that had already been implemented by means of the Staff Rules and relevant internal administrative issuances. Some amendments were designed simply to harmonize the terminology employed in the Staff Regulations with that currently in use at the United Nations.

18. The Advisory Committee understood that, in order to reflect the request contained in section II, paragraph 12, of General Assembly resolution 63/250, the amended regulations focused primarily on the new contractual arrangements. However, the Secretary-General might take advantage of the opportunity to clarify the other instruments that would be used to address the issues covered by resolution 63/250, such as accountability and the performance appraisal system, that had not been addressed in the proposed amendments to the Staff Regulations.

19. The Advisory Committee's observations on specific amendments were set out in paragraphs 8 to 16 of its report. Concerning regulation 4.4, the General Assembly might wish to consider whether the proposed amendment would have an impact on the influx of new talent to the Organization, efforts to rejuvenate the Secretariat and the number of posts currently subject to the system of desirable geographical ranges.

20. With regard to the proposed amendments to regulation 4.5, the Advisory Committee had been informed that the acquired rights of current staff members holding probationary, permanent and indefinite appointments were covered by existing regulation 12.1. It had also been informed that the Secretary-General would include in the Staff Rules a new chapter XIII, entitled "Transitional measures", to address, inter alia, the situation of those staff. In that connection, and bearing in mind the provisions of section II, paragraph 23, of General Assembly resolution 63/250, the Advisory Committee believed that the transitional arrangements should clarify, in particular, how the new contractual regime would apply to successful candidates from national competitive recruitment examinations and staff in language services.

21. As for the proposed amendments to article IX, which dealt with separation from service, the General Assembly's decision that the phrase "in the interest of the good administration of the Organization" was to be interpreted principally as a change or termination of a mandate should be reflected in amended regulation 9.3. Clarification of the basis for the proposed change to regulation 9.3, namely that continuing appointments could be terminated in the interest of the good administration of the Organization without the consent of the staff member concerned, should be provided to the General Assembly, given the change that that amendment made to existing practice.

22. Bearing in mind the observations set out in its report and in view of the protracted negotiations in the General Assembly that had preceded the adoption of resolution 63/250, the Advisory Committee considered that the Assembly was best equipped to determine whether the amendments to the Staff Regulations proposed by the Secretary-General accurately reflected the provisions of General Assembly 63/250 and other relevant resolutions.

23. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the well-being of all international civil servants and supported all reform measures aimed at establishing a satisfied and dynamic workforce. In that context, the adoption of General Assembly resolutions 63/250 on human resources management and 63/253 on the administration of justice was one of the most important achievements of the building block approach to human resources management reform. It would be useful to consider the impact of the reform on the various categories of staff and on the consultative process by which management would explain the objectives and expected achievements.

24. While the Secretary-General's report responded to the General Assembly's request for draft regulations by which the streamlined system of contracts could be implemented, it lacked information on many issues. The Group agreed with the Advisory Committee that the report would have benefited from the inclusion of a more detailed introduction to the context of the proposed amendments and to the drafting and approval process and from a more detailed commentary on the legislative basis for the existing wording and/or the justification for the proposed changes, in particular those not related to resolution 63/250.

25. It fully understood that temporary appointments were by nature limited in duration and that, pursuant to resolution 63/250, holders of fixed-term appointments

would have no expectations of renewal or conversion of their contracts. The regulations must reflect, however, the fact that there was nothing to prevent holders of temporary and fixed-term appointments from applying for other positions within the Organization and participating in a competitive selection process and that there would be no limitations on the number of future appointments.

26. The Group trusted that the new Staff Rules, which would be presented to Member States at the main part of the sixty-fourth session of the General Assembly, would include the Assembly's decisions regarding measures to improve the inequitable geographical distribution of Secretariat personnel, in particular, in the Office of the High Commissioner of Human Rights, in accordance with General Assembly resolution 63/250.

27. It agreed with the Advisory Committee that new regulation 9.3 should reflect the General Assembly's interpretation of the phrase "in the good administration of the Organization", as contained in section II, paragraph 22, of its resolution 63/250. The interpretation of that phrase was a key point in the Staff Regulations as well as the work of the new system of administration of justice.

28. While it was advisable for staff mobility to remain voluntary, it should be encouraged through financial incentives, opportunities for promotion and payment of hardship allowances. The Group would seek further information on the impact of resolution 63/250 on staff mobility, which was currently under review by the Secretary-General.

29. In the light of the increasingly high vacancy rates at the D-2 level for long periods of time, the Group would initiate a discussion in informal consultations on criteria and parameters governing the selection process for D-2 posts, which entailed senior managerial responsibilities and should not be left vacant.

30. A proper framework for consultations with staff representatives on all human resources reforms was imperative. The perception of mistrust between management and staff was regrettable and harmful to the Organization's image. The Group trusted that every effort would be made to improve staff-management relations and that, out of respect for the memory of those who had given their lives to the Organization, the Administration would conduct comprehensive consultations on the needs and concerns of the rest of the United Nations staff.

31. **Ms. Krahulcová** (Czech Republic), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that after years of lengthy negotiations, the General Assembly had adopted resolution 63/250 approving crucial human resources management reforms and new contractual arrangements under one set of Staff Rules. By its resolution 63/253, the General Assembly had also decided to implement a new system of administration of justice. Pursuant to resolution 63/250, the Secretary-General had prepared amendments to the Staff Regulations by which a streamlined system of contracts could be promulgated. The European Union looked forward to discussing the technical changes to the regulations, which gave effect to the provisions of resolution 63/250 and would enable the Organization to achieve the 1 July 2009 deadline for the implementation of the new contractual arrangements for temporary and fixed-term contracts. It also looked forward to a more detailed discussion at the sixty-fourth session of the General Assembly on the issues outlined in resolution 63/250 concerning the implementation of continuing contracts.

32. **Ms. Helu** (Namibia), speaking on behalf of the African Group, said that the African Group had always attached great importance to human resources management reform. It noted with satisfaction that General Assembly resolution 63/250 had created the opportunity for a comprehensive review of the Staff Regulations but agreed with the Advisory Committee that the Secretary-General should have provided a more detailed commentary on the proposed amendments, including the legislative basis and implications.

33. While noting that the proposed amendments had been subject to a legal review by the Office of Legal Affairs and that all stakeholders had been duly consulted, the Group was concerned that the Secretary-General had not included an account of the staff-management consultative process in his report. It would seek further information on the level of involvement of staff representatives in the consultative process in informal consultations.

34. In its report, the Advisory Committee noted that some significant issues covered by resolution 63/250, such as accountability and the performance appraisal system, had not been reflected in the proposed amendments. The Group would like to know why that had not been done and would appreciate further clarification regarding the other instruments that would be used to address the outstanding issues.

35. The Group would seek information regarding the Secretary-General's decision to include in the Staff Regulations a new chapter XIII, entitled "Transitional measures", to address, inter alia, issues relating to staff holding permanent, probationary and indefinite appointments. It would also seek information regarding arrangements for current staff members who, once the streamline system of contracts entered into force on 1 July 2009, met the requirements for conversion to continuing appointments, particularly those whose existing contracts expired before 1 January 2010.

36. Concerning staff-management relations, the Secretariat and staff should use section I, paragraphs 1 to 5, of resolution 63/250 as a basis for considering ways to resolve any misunderstandings regarding human resources reform.

37. Lastly, the Group would like to receive the opinion of the Office of Legal Affairs on the legal aspects of the concerns raised by the Staff Union in its letter of 26 January 2009 to the President of the General Assembly. It would also be useful if the International Civil Service Commission could provide information to clarify the implications of resolutions 63/250 and 63/253 on conditions of service.

38. **Mr. Taula** (New Zealand), speaking also on behalf of Australia and Canada, said that the three delegations had long supported human resources management reform at the United Nations. They were pleased that the General Assembly had been able to reach consensus and adopt resolution 63/250, which included an agreement to streamline contracts and a new approach to conditions of service. One of the primary aims had been to improve the Organization's effectiveness in field missions, where vacancy and turnover rates had been consistently high. While the three delegations would have liked to have seen even greater progress, they considered that the resolution was an important step forward and that the proposed amendments did, in fact, reflect the agreed outcomes.

39. The main task now was to ensure that the proposed technical amendments to the Staff Regulations were consistent with the text and intent of the resolution. For its part, the Secretariat must continue its preparations to enable the implementation of the new contractual regime by 1 July 2009, as requested by Member States. One important outstanding human resources management reform issue related to the modalities for implementing continuing contracts. The three delegations looked forward to resolving that critical element of the new system at the sixty-fourth session of the General Assembly.

40. It was essential for management and staff to engage in constructive dialogue. Effective outreach and communication would ensure that all staff fully understood the implications of the proposed changes and enable them to express their views. In that regard, the Secretariat must make a greater effort to address misunderstandings among certain staff about the latest reforms. The Office of Human Resources Management, the Department of Field Support and other relevant bodies must closely monitor implementation of the reforms, in order to promptly identify and address any unexpected consequences.

41. **Mr. Scanlon** (United States of America) said that his delegation welcomed the approval of meaningful reform of human resources management. General Assembly resolution 63/250 addressed many of the issues raised in the reports of the Secretary-General on human resources management, in particular in the area of contractual arrangements and harmonization of conditions of service. The streamlining of contracts was aimed at simplifying an overly complex array of hiring mechanisms. Clearer distinctions would now be made between the different types of contract, based on the nature of the appointment.

42. The Committee must now consider the proposed amendments to the Staff Regulations, which followed from those changes to contractual arrangements and conditions of service. The proposed amendments listed in the Secretary-General's report (A/63/694) would affect many staff members, and in particular those at field duty stations.

43. The report of the Advisory Committee had raised concerns with respect to the detail provided on the context of the proposed amendments, the drafting and approval process, transitional measures, and the

explanations and commentary accompanying the proposed text of the amended regulations.

44. The Advisory Committee had also expressed the view that the amendments to the regulations should include other issues addressed by General Assembly resolution 63/250, such as accountability and performance appraisal. Although that was desirable, in view of the limited time available the implementation of the new system of contracts and conditions should take priority. The proposed new staff regulations were clearly in need of some revision; delegations should ensure that the new regulations could come into effect on 1 July 2009.

45. Pursuant to resolution 63/250, the criteria and regulations concerning continuing contracts would be taken up at the main part of the sixty-fourth session, in view of which the Secretary-General should not appoint any staff members to continuing contracts before 1 January 2010. His delegation also hoped that, regarding section II, paragraph 23, of the resolution, concerning candidates from the national competitive examination and staff of the language services, the Secretary-General would not grant permanent contracts to newly engaged staff members or to staff members who did not have such a contract pending the entry into effect of the new system.

46. Lastly, his delegation trusted that the Secretary-General was now implementing the provisions of the resolution with regard to temporary appointments. Of particular importance were section II, paragraph 8, regarding benefits and allowances of staff on temporary contracts, and paragraph 14, on the practice of assigning staff members from Headquarters to missions on travel status basis for a period of more than three months.

47. **Mr. Kishimoto** (Japan) said that the Staff Regulations now needed to be revised to reflect the new contractual arrangements. It would not be appropriate to reopen the lengthy negotiations that had taken place. Nor should the current discussions prejudge those to be held at the sixty-fourth session, which would be based on the comprehensive report to be submitted by the Secretary-General at that session. At the current stage, four points needed to be made.

48. First, the General Assembly had requested the Secretary-General not to appoint any staff on continuing contracts pending its consideration of the matter at the main part of the sixty-fourth session, at which time the Secretary-General was to submit specific proposals. Accordingly, consideration of the proposed text of regulation 4.5 (d) on such appointments should be deferred to the main part of that session. Second, it was unclear how the revised regulations would apply to current permanent appointments, which he had understood, would be retained.

49. Third, resolution 63/250 provided that successful candidates from national competitive recruitment examinations and staff in language services would continue to be granted open-ended appointments. Until continuing appointments were established, permanent contracts should be retained for those staff members beyond 1 July 2009. Current regulation 4.5 (b) should therefore continue to apply for that purpose only.

50. Fourth, the restructuring of the staff selection system, as set out in administrative instruction ST/AI/2006/3, should ensure transparent, objective and geographically balanced recruitment, and must take place in compliance with the relevant General Assembly resolutions. In particular, regulation 4.4 in its current form stated that the Secretary-General might limit eligibility to apply for vacant posts to be filled by staff members appointed for one year or longer under the 100 series of the Staff Rules to internal candidates, as defined by the Secretary-General. His delegation wished to know how the new staff selection process would be regulated. In that regard, it was essential for the key criterion of geographical distribution to be preserved.

51. **Mr. Chumakov** (Russian Federation) said that the Organization should have a human resources policy which was effective, flexible and ensured maximum productivity. His delegation assessed the Secretary-General's proposals according to their ability to improve human resources management, to meet the Organization's need for qualified staff, to ensure that the Secretariat operated effectively and efficiently and to remain in step with the financial capacities of the Member States.

52. His delegation thought it inadvisable for the Organization to erode fixed-term appointments in favour of continuing appointments, which, in its view, amounted to semi-permanent contracts. Particular care should be taken not to give staff members holding fixed-term appointments any automatic expectation of receiving a conversion to a continuing appointment.

and the General Assembly should examine carefully the criteria to be applied to such conversion, on the basis of flexible and effective management of human resources.

53. Also important was the agreed framework for a new internal system of justice, which would play its part by removing the need to contemplate the inclusion in the staff regulations of additional and, in his delegation's view, potentially excessive, protection. It was important to encourage progress in indicators of performance and to encourage individuals to be personally accountable and to demonstrate permanently their professional suitability and usefulness to the Organization.

54. **Ms. Pollard** (Assistant Secretary-General for Human Resources Management) said that all staff representative bodies at United Nations duty stations and field offices, as well as at United Nations funds and programmes, had been consulted for views and feedback on the proposed amendments. Notwithstanding the time constraints and deadlines, their comments had been taken into account, except where they went against the terms of the resolution. All stakeholders, including the Office of Legal Affairs, had been fully involved in developing the amended regulations.

55. The consultative process would continue: an outreach campaign was being organized, and information would be posted on the staff Intranet system. Town hall meetings had been held in New York, Geneva and other duty stations, where appropriate by video link. Similar meetings would be held at field duty stations, in order to clarify the implications of resolution 63/250 and provide information on its implementation. A mailbox and web page had been set up to field queries and provide information.

56. Under the proposed regulations, temporary and fixed-term appointments did not carry any expectancy of renewal. However, holders of such appointments, while subject to limitations on extension and conversion, would not be prevented from competing for any vacancy as external candidates. In addition, none of the proposed changes would affect the principle of geographical distribution, which had been mandated by the General Assembly and was enshrined in the Staff Rules and in a number of administrative issuances. Regarding mobility and performance management, general conditions for the evaluation of staff performance were set forth in staff rule 101.3. However, the Staff Regulations and Rules contained only an overall policy framework. Details were to be found in the relevant administrative instructions and circulars, which had been drafted in consultation with staff representatives.

57. Staff who were currently serving on fixed-term appointments, had at least five years of continuing service and were under 53 years of age had an acquired right to consideration for a permanent appointment. In order to proceed to the new contractual framework from 1 July 2009, their cases would need to be reviewed and their contracts converted to permanent appointments. The Secretariat was actively examining the issue in order to determine how to proceed. Staff members who met the criteria as at 30 June 2009 were entitled to such a review, which would take place when the Secretary-General deemed it appropriate.

58. Resolution 63/250 requested the Secretary-General to discontinue the practice of assigning staff from Headquarters to missions on a travel status basis for a period of more than three months. That provision would be implemented from 1 July 2009. Until 30 June, in the interest of simplicity and clarity, the current contractual framework and modalities would apply.

59. The Secretariat would not be in a position to implement continuing appointments until January 2010, pending final decisions by the General Assembly on eligibility criteria and modalities of implementation. Continuing appointments had been included in the proposed new Staff Regulations as one of the three types of contractual mechanism. However, that did not mean that the Secretariat could award such contracts automatically. The process would be governed by the Staff Rules and administrative issuances, which could not be drafted without the requisite decisions of the General Assembly.

60. Staff currently holding permanent appointments would retain them for the period of their service in the Organization. The contracts of staff on probationary contracts awarded before 30 June 2009 would be converted to permanent ones even though their probationary appointments, would expire after 1 July 2009. Staff members recruited after 1 July would be given a two-year fixed-term contract, and would be considered for a continuing appointment once the

modalities had been determined by the General Assembly.

61. The Secretariat had never changed the manner in which staff regulation 4.4 was implemented. Internal candidates should be considered for any post for which they had applied. That did not exclude external candidates from applying for such vacancies; however, due consideration would be given to the interests of serving staff.

62. The Secretariat would re-examine the staff selection system with a view to implementing talent management, a process that would require revision of administrative instruction ST/AI/2006/3. Proposals were currently being formulated, and discussions with staff representatives would take place at the annual Staff Management Coordination Committee in June 2009. None of the changes would affect the requirements of geographical distribution and gender balance, as mandated by the General Assembly.

The meeting rose at 11.20 a.m.

United Nations A/C.5/63/SR.34

General Assembly
Sixty-third session

Official Records

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Fifth Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Tuesday, 17 March 2009, at 10 a.m.

Chairman: Mr. Bródi ..... (Hungary)
Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile

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Agenda item 139: Financing of the United Nations Mission in Ethiopia and Eritrea (*continued*)

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09-26988 (E)

Please recycle

The meeting was called to order at 10.20 a.m.

Agenda item 139: Financing of the United Nations Mission in Ethiopia and Eritrea (*continued*) (A/63/728 and A/63/761)

1. **Mr. Yamazaki** (Controller), introducing the report of the Secretary-General on the financing of the United Nations Mission in Ethiopia and Eritrea (UNMEE) (A/63/728), recalled that the Mission's mandate had been extended for six months, until 31 July 2008, by Security Council resolution 1798 (2008). In its resolution 1827 (2008), the Council had decided to terminate the mandate of UNMEE on 31 July 2008 and UNMEE had therefore commenced its administrative liquidation, including the disposition of its assets, on 1 August 2008.

2. The inventory value of the Mission's assets proposed for donation, on a free-of-charge basis, to the Government of Ethiopia was $1,398,500, representing 2.5 per cent of the total inventory value of UNMEE assets, which amounted to $56,218,700. The proposed donation of those assets, comprised primarily of prefabricated facilities and information technology equipment (computers and printers), would enhance the Ethiopian Government's operational capabilities. Furthermore, the cost of dismantling, refurbishing, packing and shipping the assets would render their transfer largely uneconomical.

3. UNMEE had also identified for donation to the Government of Eritrea, on a free-of-charge basis, assets with an inventory value of $6,082,100, representing 10.8 per cent of the total inventory value of the Mission's assets. The proposed donation, comprised primarily of prefabricated facilities, generators and accommodation equipment, would enhance the Eritrean Government's operational capabilities. On 16 February 2009, in the context of the Mission's administrative liquidation, the Government of Eritrea had signed a certificate of temporary possession to receive and hold in safe custody the UNMEE assets, pending General Assembly approval of their proposed donation. However, in a note verbale dated 25 February 2009, the Permanent Mission of Eritrea to the United Nations had informed the Secretariat that the donation had not been accepted by the communities concerned in Eritrea and that the United Nations should therefore make the necessary arrangements for shipping out all its remaining assets in Eritrea. The Advisory Committee had been updated on those developments on 5 March 2009.

4. In its resolution 1863 (2009), the Security Council had expressed its intent to establish a United Nations peacekeeping operation in Somalia as a follow-on force to the African Union Mission to Somalia (AMISOM), subject to a further Security Council decision by 1 June 2009, and had welcomed the Secretary-General's proposal for immediate in-kind enhancement of AMISOM through the transfer of assets following the liquidation of UNMEE. The assets proposed for donation to the African Union represented 12.3 per cent of the total inventory value of the Mission's assets and consisted mainly of prefabricated buildings, including ablution units and associated equipment, generators, air conditioners and soft-skin vehicles, which would enhance the operational capabilities of AMISOM.

5. Given that the donation of UNMEE assets to the Government of Eritrea had not been accepted by the communities concerned, the General Assembly was invited to approve the donation of the Mission's assets to the Government of Ethiopia and the African Union.

6. **Mr. Kelapile** (Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's report on the donation of assets of the United Nations Mission in Ethiopia and Eritrea (A/63/761), recalled that the Secretary-General's report on the financing of that Mission (A/63/728) provided details on the proposed donation of UNMEE assets following the termination by the Security Council of the Mission's mandate. The assets proposed for donation had been placed in the temporary custody of the Governments of Ethiopia and Eritrea and of the African Union. The Advisory Committee had subsequently been informed that the Permanent Mission of Eritrea had advised the Secretariat that the donation of UNMEE assets had not been accepted by the communities concerned and that the United Nations should make the necessary arrangements for shipping out all its remaining assets in Eritrea. The Advisory Committee had also been informed that, since UNMEE had already finalized the field liquidation process, terminated the service contracts and repatriated its staff, it was not in a position to recover the assets and intended to leave them in situ.

7. The Advisory Committee trusted that the liquidation process would be concluded as efficiently as possible, despite the changed circumstances, and recommended that the Organization's potential liability, if any, should be clarified and that such information should be provided to the General Assembly during its consideration of the Secretary-General's report (A/63/728). It also noted that the Secretary-General was seeking the General Assembly's ex post facto approval for the transfer of the Mission's assets, since they had already been placed in temporary custody of the intended recipients. The Advisory Committee wished to point out that there was no provision in the Financial Regulations and Rules for the placement of such assets in temporary custody pending General Assembly approval. In the Committee's view, that matter needed to be addressed.

8. Under the circumstances, the Committee did not object to the course of action proposed by the Secretary-General in paragraphs 16 (a) and (c) of his report.

The meeting rose at 10.30 a.m.

United Nations A/C.5/63/SR.35

General Assembly
Sixty-third session
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Fifth Committee

Summary record of the 35th meeting
Held at Headquarters, New York, on Thursday, 19 March 2009, at 10 a.m.

Chairman: Mr. Bródi (Chairman) ..... (Hungary)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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Agenda item 149: Financing of the United Nations Mission in the Central African Republic and Chad

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09-27360 (E)

Please recycle

The meeting was called to order at 10.15 a.m.

Agenda item 149: Financing of the United Nations Mission in the Central African Republic and Chad (A/63/727 and A/63/768)

1. **Mr. Yamazaki** (Controller), introducing the note by the Secretary-General on financing arrangements for the United Nations Mission in the Central African Republic and Chad (MINURCAT) for the period from 1 July 2008 to 30 June 2009 (A/63/727), recalled that, by its resolution 1861 (2009), the Security Council had extended the mandate of MINURCAT until 15 March 2010, authorized the deployment of a MINURCAT military component to follow up the European Union Force (EUFOR) in both Chad and the Central African Republic at the end of its mandate, decided that the transfer of authority between EUFOR and the said military component would take place on 15 March 2009, and also decided that MINURCAT should include a maximum of 300 police officers, 25 military liaison officers, 5,200 military personnel and an appropriate number of civilian personnel. The immediate cash and operational resources needed to support the Mission's expansion were estimated at $140,731,900 for the period from 1 July 2008 to 30 June 2009, inclusive of the amount of $49,868,400 that had been previously authorized by the Advisory Committee to meet the cost of initial critical logistical and personnel requirements of MINURCAT in order to facilitate the transfer of authority from EUFOR to the United Nations. The estimated additional requirements of $140,731,900, which took into account the amount of $301,124,200 that had already been appropriated by the General Assembly, in its resolution 62/233 B, for the maintenance of MINURCAT for the period in question, provided for the initial deployment by 30 June 2009 of 4,250 military contingent personnel, the construction and expansion of facilities and infrastructure to accommodate military personnel, the rehabilitation and expansion of existing airfields and the deployment of additional air assets.

2. The General Assembly was requested to authorize the Secretary-General to enter into commitments for the Mission's expansion for the period from 1 July 2008 to 30 June 2009 in the amount of $140,731,900, inclusive of the amount of $49,868,400 previously authorized by the Advisory Committee and in addition to the amount of $301,124,200 already appropriated for the maintenance of MINURCAT for the same period under the terms of General Assembly resolution 62/233 B. The Assembly was also requested to assess the amount of $140,731,900 for the period from 1 July 2008 to 30 June 2009, in addition to the amount of $301,124,200 that it had already assessed for the maintenance of the Mission for the same period under the terms of its resolution 62/233 B.

3. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/63/768), noted that of the total amount requested by the Secretary-General, $67,871,200 related to military contingents and provided for the projected phased deployment of 2,810 troops by 30 June 2009 and the transfer on 15 March 2009 of 1,440 troops from EUFOR to MINURCAT authority. The Advisory Committee was not convinced that the 30 per cent delayed deployment factor applied in relation to the additional 2,810 troops could be achieved and therefore recommended that updated information on the Mission's planning assumptions should be provided to the General Assembly for its consideration of the question.

4. With regard to the additional requirements of $60,002,100 under facilities and infrastructure, the Advisory Committee regretted that the United Nations would not have full use of all former EUFOR facilities and infrastructure and that additional resources would therefore be required to construct new camps. The budget submission for 2009/10 should provide a detailed breakdown of projected expenditures under that item and the performance report for the current period should account adequately for the expenses incurred thus far. As for the $12,858,600 that had been requested for air transportation, according to information provided to the Advisory Committee, the configuration of the Mission's air fleet had been reviewed taking into account the projected phased deployment of troops until 30 June 2009, and the envisaged deployment of 16 additional helicopters and two fixed-wing aircraft would provide it with capacity commensurate with its new mandate. The Secretary-General should explore opportunities for savings in the area of air transportation through, inter alia, the sharing of air assets with other United Nations operations in the region.

5. As indicated in paragraph 13 of its report, the Advisory Committee recommended that the General Assembly should approve the Secretary-General's request. However, the Committee intended to discuss

in greater detail in its general report on the administrative and budgetary aspects of United Nations peacekeeping operations the increasing tendency to resort to commitment authority with assessment. Commitment authority should be used only as a short-term funding bridge mechanism pending the timely submission of fully detailed and justified budget documentation that would allow the General Assembly to decide on full appropriation for the amounts concerned.

6. **Ms. Helu** (Namibia), speaking on behalf of the Group of African States, said that the Group noted the Secretary-General's request for commitment authority with assessment for the expansion of MINURCAT for the period from 1 July 2008 to 30 June 2009, and the increase in the Mission's size, structure and cost following the transfer of authority from EUFOR to the United Nations on 15 March 2009. The Group fully agreed with the observations and recommendations contained in the Advisory Committee's report (A/63/768).

Other matters

7. **Ms. Krahulcová** (Czech Republic), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, Ukraine, reiterated the European Union's strong disappointment at the late submission of documents for the current session. With the Committee already more than halfway through the first part of the resumed sixty-third session, documents were not yet available for items that had already been scheduled in the proposed programme of work for the following week. In particular, the Advisory Committee had not kept to its proposed schedule for the issuance of reports on such important items as safety and security, information and communications technology, and special political missions. That was unfortunate, since the last-minute submission of reports did not give the Committee sufficient time to consider the Secretary-General's proposals in detail and prevented a full discussion of all matters contained in the reports. For example, the Secretary-General's report on a strengthened and unified security management system for the United Nations (A/63/605) had been issued in December 2008 and it was therefore unacceptable that the Advisory Committee had not produced its related report in time for the current part of the resumed session.

8. The European Union therefore requested that the Chairman of the Fifth Committee should raise the issue of the late submission of documentation with the Chairman of the Advisory Committee and ascertain specifically what measures the Chairman of the Advisory Committee had taken to expedite issuances and whether the Advisory Committee had considered starting meetings earlier or working in the evenings in order to deliver. Documents must be available for consideration in all six official languages in due time before the start of deliberations and adequate measures must be adopted to prevent a recurrence of those situations. When produced, moreover, reports were not always of adequate quality and offered no real budgetary insights. An explanation was needed from the responsible officials. The European Union appealed to the Chairman of the Fifth Committee, the relevant Secretariat officials and the members of the Advisory Committee to ensure that documents were of the desirable quality and issued on time.

9. **Mr. Plunkett** (Canada), speaking also on behalf of Australia and New Zealand, said that the three delegations joined the European Union in expressing their frustration at the recurrent late submission of documentation. Too many important matters were being introduced in the final week of the first part of the resumed session to allow sufficient time for substantive discussion. It was disappointing to note that the General Assembly's decision to authorize the Advisory Committee to meet for two additional weeks in 2009 had yielded no improvement. A more comprehensive solution, involving the Fifth Committee, the Advisory Committee and the Secretariat, was therefore required.

10. **The Chairman** said that he had taken note of the views expressed and that the Bureau would take appropriate action.

11. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), responding to the questions raised, said that, as a subsidiary body of the General Assembly, the Advisory Committee made every effort to submit reports in due time for the Fifth Committee's consideration. Unlike that Committee, however, it did not have the luxury of deferring issues on which it had not reached a decision. The Advisory Committee handled extremely complex and sometimes controversial matters that required lengthy consideration. In addition, the reports it received sometimes lacked information, which had to be requested and obtained from the Secretariat resulting in

further delays. Moreover, although the Advisory Committee's members sometimes held divergent views, every effort was made to reach consensus decisions with a view to facilitating the Fifth Committee's work. The Advisory Committee did not receive reports six weeks in advance and had sometimes considered a report from the Secretariat within 24 hours of receiving it. The report specifically mentioned by the representative of the European Union was just one isolated example.

12. The Advisory Committee would continue to strive to do better in meeting the Committee's tight time constraints. However, as the representative of Canada had acknowledged, responsibility for the issue did not lie with the Advisory Committee alone. Committee members should stop attacking the Advisory Committee, since the issue related to the process as a whole and required the Fifth Committee and the Secretariat, as well as the Advisory Committee, to re-examine their working methods.

13. **The Chairman** acknowledged the complexity of the process and noted that each body had its own responsibility for ensuring the expeditious execution of the Fifth Committee's work.

The meeting rose at 10.35 a.m.

United Nations A/C.5/63/SR.36

General Assembly
Sixty-third session

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Fifth Committee

Summary record of the 36th meeting
Held at Headquarters, New York, on Monday, 23 March 2009, at 10 a.m.

Chairman: Mr. Bródi ..... (Hungary)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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The meeting was called to order at 10.15 a.m.

Agenda item 118: Programme budget for the biennium 2008-2009 (*continued*)

Information and communications technology, disaster recovery and business continuity for the United Nations: arrangements for the secondary data centre at Headquarters — revised estimates relating to the programme budget for the biennium 2008-2009 under Section 28D and Section 36 (A/63/743 and A/63/774)

1. **Mr. Choi** Soon-hong (Chief Information Technology Officer), introducing the report of the Secretary-General (A/63/743), said that the Secretariat relied on a wide range of information and communications technology (ICT) systems to support its own activities; to ensure coordination with the Member States, agencies in the United Nations system and other stakeholders; to make its operations transparent to the public at large and to discuss the programmes of committees and other bodies. Consequently, unavailability of any core ICT system would have a tremendous impact on the strategic and operational activities of the Organization, paralysing its global operations.

2. During the main part of its sixty-third session, the General Assembly had discussed, but discounted on the grounds of escalation of construction cost estimates, the proposal of the Secretary-General to site a secondary data centre at the United Nations Federal Credit Union building in Long Island City. That proposal had outlined the urgent need for a facility to replace the existing unreliable secondary data centre in the United Nations Development Corporation (DC2) building. A new centre was required to mitigate the risk of disruption of ICT services during the relocation of the primary data centre to the new North Lawn building as part of the capital master plan project and to maintain long-term stability of ICT support for the Organization's operations.

3. The report before the Committee described problems associated with the DC2 data centre's inadequate electrical and cooling capacities and lack of emergency generator power. Since the summer of 2008, several core ICT systems had been repeatedly shut down to reduce overheating. The DC2 building's electrical infrastructure was near its maximum capacity, making it difficult to manage the power and cooling situation effectively. Those constraints prevented the DC2 data centre from being used as a primary data centre while production systems migrated to the North Lawn building, an exercise which would significantly increase the already high risks associated with the DC2 facility, which the members of the Committee were invited to tour in order to witness first hand the deteriorating situation.

4. The new secondary data centre must be fully operational by the end of October 2009 to avoid disrupting the capital master plan schedule. As it was unfeasible to construct a new data centre by then, the proposed solution was to lease and equip a "data-centre-ready" commercial facility that already had the necessary raised floors, power, cooling, emergency backup power and other infrastructure. Such facilities were available in the New York, New Jersey and Connecticut area and could be leased for varying amounts of time with options to increase or decrease capacity as necessary. The proposal also provided for the International Computing Centre to furnish the necessary ICT equipment and to manage the leased data centre.

5. The possibility of extended data-centre outages disrupting or even paralysing the global operations of the Organization during the General Assembly's sixty-fourth session, even though difficult to imagine, should be addressed before it was too late. The Secretary-General's proposal could reduce the risks associated with moving the primary data centre during the capital master plan.

6. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/63/774), recalled the Secretary-General's warning of the risks to the schedule and cost of the capital master plan if the challenging timetable indicated in his new data centre proposal was not met. In the view of the Advisory Committee, the planning and overall management of the data centre project had been deficient, and the new data centre proposal did not appear to provide the assurance requested by the General Assembly in its resolution 63/262 that risks would be sufficiently mitigated.

7. Having been aware for some time of the need for a secondary data centre and of the constraints of the capital master plan, the Secretariat could have been

more proactive, preventing delays by anticipating potential problems, preparing for a variety of contingencies and allowing time to develop cost-effective alternatives and robust, technically sound solutions. The Advisory Committee would have found it easier to consider the Secretary-General's proposal if it had included more complete costing information, such as an analysis of likely costs over the lifespan of the data centre project and a comparison of the costs of the equipment leasing and acquisition options.

8. Despite its misgivings, the Advisory Committee recognized that a reliable secondary data centre was a critically important factor in the schedule of the capital master plan, and that disruptions in the provision of some ICT services could have an adverse impact on the operations of the entire Organization. In the light of the time pressure involved, it found that it had no alternative but to recommend approval of the proposal. However, the continued deficiencies in the planning and management of the project must be remedied if implementation was to be successful, and the migration strategy should be re-examined to explore the possibility of savings.

9. The Secretary-General should be requested to ensure effective leadership and management of the project, to define roles and responsibilities clearly, to monitor progress against performance targets rigorously, to take rapid corrective action if problems emerged and to establish mechanisms to hold individuals accountable for their areas of responsibility. The Advisory Committee also recommended requesting the Secretary-General to enlist the services of an independent expert with substantial technical experience in the field of migration and relocation of data centres to validate the project implementation plan and to advise the implementation team.

10. While not objecting to the proposed cost-sharing arrangement for the new data centre, the Advisory Committee recommended that the General Assembly should request the Secretary-General to re-examine the approach for dividing costs between the regular and peacekeeping budgets and to consider applying a common cost-sharing arrangement between peacekeeping and non-peacekeeping operations across the Organization.

11. Lastly, the Advisory Committee wished to point out the effect of the stringent time constraints on the submission of its report for the consideration of the Fifth Committee. The availability of the report of the Secretary-General had determined the timing of the Advisory Committee's work, which had begun in the first week of March 2009. As the Secretary-General's proposal had many implications and required detailed scrutiny, the Advisory Committee had found itself requesting substantial additional information. It had also concluded that visits to the existing primary and secondary data centres would be beneficial to its deliberations.

12. Following receipt of the last instalment of additional information, on the morning of 18 March 2009, the Advisory Committee had finalized its report and submitted it for processing on the same day. As the Fifth Committee was aware, the time pressure on the Advisory Committee was intensified by its need to work in parallel on a number of reports regarding matters for which information had arrived late in the first part of the resumed sixty-third session.

13. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that investment in ICT was crucial to the conduct of the Organization's global operations and to promoting better efficiency, effectiveness, transparency and accountability. The Organization must also be able to respond effectively to emergencies that might impair critical elements of its ICT infrastructure.

14. The Group recalled that the Secretariat's original proposal to site a secondary data centre in the United Nations Federal Credit Union building in Long Island City had been withdrawn, but not before resources had been wasted through the signing of a 10-year lease. It was a matter of concern that the Secretary-General's current proposal presented some of the same problems as its predecessor. The Organization was obliged to make a strategic decision on a proposal for substantial investment without sufficient analysis or information. The Group was unconvinced that the new proposal was the most cost-effective or workable, or even that it could be implemented in accordance with the suggested timetable.

15. The new proposal failed to respond to the request of the General Assembly to consolidate systems in central data centres and to prioritize systems in order to minimize the cost of disaster recovery and business continuity. The Group was disappointed that the Secretariat had yet to classify critical and non-critical

systems, enabling a clear ranking of those which must be backed up in the secondary data centre. The proposal also carried excessive risks associated with the number of relocations and overall cost, as it might mobilize staff who otherwise might be employed in implementing long-term ICT strategy, in projects such as the introduction of enterprise resource planning. The Group was concerned that the proposal did not envisage the necessary measures to ensure the security and confidentiality of the Organization's data, particularly in view of the intention to use an external commercial data centre.

16. The Group agreed with the Advisory Committee that there were continuing deficiencies in the planning and management of the project, and that it appeared to be based on an improvised reaction to situations as they arose rather than being the result of anticipation of potential issues and consideration of strategic, long-term requirements. The Group remained unconvinced that the project delays were due partly to the need to re-evaluate the secondary data centre strategy in the light of General Assembly resolution 63/262, believing rather that they were the result of lack of planning, coordination and proper compliance with established rules and regulations. That had been demonstrated clearly by the disastrous handling of the Long Island City data centre project, which had been funded through a commitment authority that had been neither examined nor approved by the Fifth Committee. Accordingly, the Group would seek clarification of all the relevant issues.

17. **Mr. Plunkett** (Canada), speaking also on behalf of Australia and New Zealand, said that the Organization could not be modern, efficient and effective without suitable information and communications technology, as the General Assembly had wisely recognized in December 2008 in approving the introduction of a new ICT strategy and the implementation of a new enterprise resource planning system.

18. The situation following the withdrawal of the Secretary-General's original proposal for a secondary data centre was a cause for concern because of the impending relocation of the primary data centre to the North Lawn building, the likelihood of cost escalation and the risk to data and ICT services. While Australia, Canada and New Zealand would have preferred to see a unified disaster recovery and business continuity plan, they welcomed the new proposal, agreeing that the first priority must be a viable solution for the secondary data centre.

19. Although committed to providing the Secretariat with the resources needed for disaster recovery and business continuity, they must be convinced that all opportunities for consolidation and prioritization had been exhausted, and that the request for additional resources could withstand critical analysis. Moreover, as concerns regarding the timeline of the project remained, the three delegations wished to be reassured that the proposed course of action would not interrupt the schedule of the capital master plan.

20. **Mr. Gürber** (Switzerland) said that his delegation would have preferred the Committee's decision regarding the arrangements for a secondary data centre to have been a difficult one, involving a choice of more than one valid option. Instead, the decision would be an easy one, with no room for choice. His delegation had little to add to the bleak observations of the Advisory Committee. The Fifth Committee had too few details of the new proposal for a secondary data centre, was unsure whether it would have the desired outcome and lacked the time to consider it in depth. However, no sound, cost-effective and feasible counter-proposal was available.

21. Recognizing the danger of disregarding the importance of ICT security and business continuity, his delegation believed that to reject the new proposal would be to penalize those who relied on the Organization's capacity to fulfil its mandates in a reliable and uninterrupted manner, particularly in the field. In the absence of an alternative, his delegation favoured discussion of the proposed leasing of a commercial data centre facility, with a view to understanding it better and seeking to optimize it, particularly from the standpoint of cost-effectiveness.

22. **Mr. Ronaghan** (United States of America) said that the Organization must have uninterrupted ICT facilities and a fully operational data-backup system to mitigate the risk of losing vital services and critical information. His delegation remained concerned that the setbacks which the Secretariat had faced in connection with setting up a secondary data centre reflected a lack of sound contingency planning. It would like the Secretariat to explain what steps had been taken to remedy the situation and to provide assurances that the Secretary-General's proposal was

the best and most cost-effective alternative and was able to provide sufficient risk mitigation.

23. His delegation trusted that the Secretariat would better anticipate future needs, not only in the case of the current project but also in the case of all components of the ICT strategy launched by the General Assembly in its resolution 63/262. While recognizing that failure to take a decision on the secondary data centre would affect the execution of the capital master plan, he regretted having to contemplate such a decision without additional analysis, but believed that the views of the Advisory Committee were an appropriate basis for discussion of the matter. The Secretariat should keep in mind the current difficult economic circumstances, the rapidly escalating expenditure under the regular and peacekeeping budgets and the consequent need to use the resources provided by the Member States in an efficient, effective and transparent manner.

Other matters

24. **Mr. Abdelmannan** (Sudan), speaking on behalf of the Group of 77 and China, said that his Group wished to reiterate its long-standing view that documents should be issued on time in all six official languages. While the Group was concerned at the endemic problem of late availability of documentation, it wished to distance itself from the unwarranted attack directed at the Advisory Committee and its Chairman when certain delegations had spoken on that matter at the Committee's 35th meeting. Blaming the Advisory Committee for the situation did not match the objective facts. In 2008, recognizing the steep increase in the Advisory Committee's workload, the Fifth Committee had recommended a two-week extension of the Advisory Committee sessions. The Group commended the Advisory Committee for the quality of its reports, the exceptional guidance it provided for the Fifth Committee's decision-making process despite facing many obstacles, including its limited scope for internal burden-sharing.

25. The Chairman of the Advisory Committee did not have the ability to delegate responsibility freely to the body's Vice-Chairman, who was not remunerated for occupying that post or for sharing the workload of the Chairman. It was bizarre to blame the Advisory Committee for the Organization's systemic challenges, which included inability to submit documents to the Advisory Committee on time. Those who had criticised the Advisory Committee had neither the will nor the desire to improve its conditions of service. Such improvement was urgently needed. The Group invited its partners to be part of the solution rather than part of the problem.

The meeting rose at 10.55 a.m.